

REMARKS

This is in response to the Office Action mailed March 16, 2010. Applicants thank the Examiner for the helpful telephonic discussion of July 29, 2010, during which the outstanding indefiniteness and obviousness rejections and possible claim amendments were discussed. The purpose of adding additional inorganic salts and amides as recited in the claims under indefiniteness rejection was also discussed. Applicants believe that the present claim amendments clarify the Examiner's concerns and place the application in condition for allowance by adopting the proposed claim amendments discussed during the telephonic interview. In the event that any outstanding issues remain concerning the claim language, the Examiner's suggestions for better wording are respectfully requested and greatly appreciated.

After entry of this amendment, claims 14-16, 18-21 and 27-35 are pending, of which claim 19 is withdrawn. Claims 22-26 have been cancelled without prejudice or disclaimer. New claims 31-35 have been added and find support *inter alia* in the original claims. New claims 31 and 32 find further support in the specification, for example, at page 4, lines 41-43. New claims 33-35 find further support in the specification, for example, at page 4, lines 43-46. The claims have been amended without prejudice or disclaimer and find support *inter alia* in the original claims. Claims 14, 27 and 28 find further support in the specification, for example, at page 4, lines 30-40. No new matter has been added.

The above claim amendments provide further clarification to the claimed subject matter and further narrow the scope of the claims and thus, do not present any new issues that require further consideration or search as indicated by the Examiner during the telephonic interview of July 29, 2010. Additionally, the total number of claims is not increased in view of the cancellation of claims 22-26. Accordingly, Applicants respectfully request entry of the above claim amendments as they are believed to put the claims in condition for allowance or, alternatively, in better form for consideration on appeal. Thus, entry under 37 CFR §1.116 is correct.

Specification

During the telephonic interview of July 29, 2010, the Examiner indicated that the specification should be amended to move the brief description of Figures 1 and 2 found at page

19 to a more appropriate location of the specification as suggested by M.P.E.P. In response, a section entitled "BRIEF DESCRIPTION OF THE DRAWINGS" has been inserted at page 4 to accommodate the figure description originally provided at page 19. Support is found *inter alia* in the specification at page 19. The figure description at page 19 and the heading at the bottom of page 18 have been deleted in view of the present amendment. Additionally, appropriate section headings have also been added at page 1 and page 4 following the brief description of the drawings. No new matter has been added.

Claim Rejection – 35 U.S.C. § 112

Claims 21 and 27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner asserts that it is not clear how adding an ionic solution as recited in the claims outside of the microorganism would stabilize, preserve and/or store enzymes inside of the microorganism. Applicants respectfully disagree.

However, to expedite prosecution, claims 21 and 27 have been amended without prejudice or disclaimer to recite the claimed subject matter with more specificity. Furthermore, as discussed during the telephonic interview, the addition of inorganic salts or amides is for the purpose of further stabilizing, preserving and/or storing nitrilase-comprising cells and/or enzyme activity. For example, it is known that nitrilase-comprising cells may be stabilized by adding inorganic salts, such as phosphates, borates, sulfates, sulfites and hydrochlorides, at concentration of at least 100 mM up to the saturation limit to the storage buffer. See e.g., Specification at page 3, lines 1-5. Similarly, adding amides or carboxylic acids, or a combination of substances, to the cell suspension was reported to be able to stabilize a nitrile hydratase activity. See e.g., Specification at page 3, lines 7-10. Accordingly, it is respectfully submitted that the claims as amended are clear and definite in light of the specification.

In view of the present amendments and further in view of the above remarks, reconsideration and withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 USC § 103

Claims 14-16, 20, 29 and 30 are rejected under 35 U.S.C. § 103(a) as being obvious over Chibata *et al.* (U.S. Pat. No. 3,898,128, hereinafter "Chibata '128"), in view of Chibata *et al.* (U.S. Pat. No. 4,526,867, hereinafter "Chibata '867") and Sigma Catalog.

The Examiner maintains the position that Chibata discloses the claimed steps, i.e. *Alcaligenese* cells are contacted with glutaraldehyde in an aqueous medium. The Examiner further contends that the initial contacting step of the cultivated cells with glutaraldehyde as taught in Chibata meets the claim limitation of an aqueous medium since the cells are in a culture broth and glutaraldehyde is supplied as a solution in water. The Examiner asserts that the cells in Chibata are stored and preserved by glutaraldehyde before they are immobilized. Office Action at pages 4-5. According to the Examiner, glutaraldehyde is an alkyl substituted aldehyde of formula III. Office Action dated September 10, 2009, at page 5. Applicants respectfully disagree.

Without acquiescing to the merits of the Examiner's argument and solely for expediting prosecution, the claims have been amended without prejudice or disclaimer to recite the aldehyde with more specificity. Applicants further note that glutaraldehyde generally denatures proteins by crosslinking with the proteins and thus, is not suitable for the claimed method. Moreover, for the reasons already discussed during the interview of July 29, 2010, Applicants respectfully submit that the combination of the cited references does not render the presently claimed subject matter obvious.

In view of the present amendments and further in view of the reasons of record, reconsideration and withdrawal of the rejection is respectfully requested.

Claim 28 is rejected under 35 U.S.C. § 103(a) as being obvious over Chibata '128, in view of Chibata '867 and Sigma Catalog, and further in view of Choi *et al.* (hereinafter "Choi").

It is noted initially that, without acquiescing to the merits of the Examiner's argument in this rejection, claim 28 has been amended without prejudice or disclaimer to include the same limitation directed to the aldehyde used in the claimed method as that recited in, for example, claim 14. For the same reasons as discussed above and during the interview of July 29, 2010, it is respectfully submitted that the combination of Chibata '128, Chibata '867, Sigma Catalog, and Choi does not render claim 28 as amended obvious. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the above remarks and further in view of the above amendments, Applicants

respectfully request withdrawal of the rejections and allowance of the claims. If any outstanding issues remain, the Examiner is invited to telephone the undersigned at the number given below.

Applicants reserve all rights to pursue the non-elected claims and subject matter in one or more divisional applications, if necessary.

Accompanying this response is a petition for a two-month extension of time to respond to the Office Action mailed March 6, 2010 with the required fee payment. No further fee is believed due. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00105-US from which the undersigned is authorized to draw.

Respectfully submitted,

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